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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
DURHAM, NATHAN E	

ART UNIT	PAPER NUMBER
3765	

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05/15/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/537,023	SPEICH, FRANCISCO	
	Examiner	Art Unit	
	NATHAN E. DURHAM	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 June 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's amendment and corresponding arguments, filed 23 August 2007, have been reviewed and considered. Claims 1 and 15 have been amended and claims 2-14 and 16-23 have been canceled (claims 2, 7, 13 and 14 were cancelled in the response dated 20 February 2007). Therefore claims 1 and 15 are currently pending. The applicant's amendment is considered sufficient in overcoming the rejection of claims 1 and 15 as presented in the previous Office Action. However, an updated search and further review of the prior art of record has prompted the presentation of the following rejections wherein previous claims 11 and 22 (the subject matter thereof now within independent claims 1 and 15) have been reviewed and determined to be rejected under prior art. Accordingly, this Office Action is considered a Non-Final Rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 15, the phrase "and/or" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over MALLARD (U.S. Patent 4,835,699) in view of MESCHIA (European Patent 1,128,244 A2) and HOSEL (U.S. Publication 2002/0095235).

Regarding claim 1, MALLARD teaches a system for monitoring, analyzing, and controlling a number of weaving machines (Col. 1, Lines 6-18). MALLARD teaches a control computer (72a - 72n) for each weaving machine (70a – 70n) (Col. 7, Lines 47-55) and a central computer (58). However, MALLARD does not disclose the control computers being networked through wireless signal transmission means to a first transmission unit, which is connected to a second transmission unit by means of a data line and wherein the second transmission unit is connected via wireless signal transmission means to the central computer. The control computers of MALLARD are connected via a data line (66) to a computer (52) and then are connected to the central computer (58) through an additional data line (Figures 1- 2(b)). The system of

MALLARD was developed in 1987 when the technology was not as advanced as it was when the applicant's invention was created.

MESCHIA teaches a system for networking and controlling a number of machine tools (Col. 1, Lines 3-5) (Col 2, Lines 42-52). The system of MESCHIA contains a control computer for each machine (11) (Col. 5, Lines 22-27) and a central computer (4) (Col. 6, Line 9). MESCHIA teaches the control computers being connected via wireless signal transmission means to a transmission unit (20) (Col. 5, Lines 36-49), which is connected to the central computer by means of a data line (5) (Fig. 3) to allow for communication in both directions wherein the machines can be separate from the central computer and have less clutter from data lines. MESCHIA further teaches the central computer being able to be connected to other devices through other local networks (LAN) or networks (WAN) (Paragraphs 0040-0044). Accordingly, it would have been obvious to one with ordinary skill in the art at the time the invention was made to have incorporated wireless signal transmission means with two or more wireless transmission units connected by a data line (through the computer 52) in place of the data lines (64, 66) of MALLARD in order to create a modern control system that allows the central computer and weavings machines to be separated by a greater distance from one another and to reduce the amount of data line clutter. Note for future reference that It is old and known in the art for multiple transmission units (access points, daisy-chaining routers, etc) to be connected together to expand the range of the wireless signal and/or connecting a plurality of additional equipment together.

MALLARD further fails to disclose a mobile computer, mobile phone or tablet PC being part of the control system. HOSEL teaches a system for networking and controlling a number of textile machines wherein the system comprises the use of a mobile computer/phone (18) (Paragraph 0042) (Fig. 6). HOSEL teaches the use of the mobile computer/phone in order for personnel to easily monitor the control network for errors and for productivity purposes through reports and pages sent from a central computer (4) (i.e. querying the data of the central computer) (Paragraph 0042). Accordingly, it would have been obvious to have incorporated use of a mobile computer/phone within the system of MALLARD in order to easily monitor the control network for errors and for productivity purposes. For future reference, note that the applicant's recitation "for querying the data of the control computers and/or of the central computer" is functional language containing no further limiting structure and therefore is not given patentable weight. Regardless, HOSEL teaches such function even though the structure must only be capable of such function.

Regarding claim 15, MALLARD teaches a system for monitoring, analyzing, and controlling a number of weaving machines (Col. 1, Lines 6-18). MALLARD teaches a control computer (72a - 72n) for each weaving machine (70a – 70n) (Col. 7, Lines 47-55) and a central computer (58). However, MALLARD does not disclose the control computers being networked through wireless signal transmission means to a transmission unit, which is connected to the central computer through a data line. The control computers of MALLARD are connected via a data line (66) to the central computer (Figures 1 –2b). The system of MALLARD was developed in 1987 when the

technology was not as advanced as it was when the applicant's invention was created. MALLARD discloses the central computer being a CAM computer. The term, "CAM" is considered to mean "computer-aided manufacturing" and is defined as the use of a specially designed computer(s) to control and monitor industrial machinery (Dictionary.com). The central computer of MALLARD is controlling and monitoring the weaving machines and is therefore considered a "CAM computer". The central computer provides data possessing functions (first paragraph of Col. 7) and contains the structure as defined by the applicant, therefore the central computer of MALLARD is considered to be capable of providing the function of "determining the production data from the operating data and for storing pattern data".

MESCHIA teaches a system for networking and controlling a number of machine tools (Col. 1, Lines 3-5) (Col 2, Lines 42-52). The system of MESCHIA contains a control computer for each machine (11) (Col. 5, Lines 22-27) and a central computer (4) (Col. 6, Line 9). MESCHIA teaches the control computers being connected via wireless signal transmission means to a transmission unit (20) (Col. 5, Lines 36-49), which is connected to the central computer by means of a data line (5) (Fig. 3) to allow for communication in both directions. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to have provided the system of MALLARD with wireless networking capabilities, including one or more transmission units, in light of the teachings of MESCHIA, in order to create a modern control system for weaving machines that encompassed all of the technology available.

MALLARD further fails to disclose a mobile computer, mobile phone or tablet PC being part of the control system. HOSEL teaches a system for networking and controlling a number of textile machines wherein the system comprises the use of a mobile computer/phone (18) (Paragraph 0042) (Fig. 6). HOSEL teaches the use of the mobile computer/phone in order for personnel to easily monitor the control network for errors and for productivity purposes through reports and pages sent from a central computer (4) (i.e. querying the data of the central computer) (Paragraph 0042). Accordingly, it would have been obvious to have incorporated use of a mobile computer/phone within the system of MALLARD in order to easily monitor the control network for errors and for productivity purposes. For future reference, note that the applicant's recitation "for querying the data of the control computers and/or of the central computer" is functional language containing no further limiting structure and therefore is not given patentable weight. Regardless, HOSEL teaches such function even though the structure must only be capable of such function.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN E. DURHAM whose telephone number is (571)272-8642. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary L. Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NED

/Gary L. Welch/
Supervisory Patent Examiner, Art Unit 3765